

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

**KATHRYNN PALS, et al.;**

**Plaintiffs,**

**vs.**

**TONY WEEKLYJR., BOHREN  
LOGISTICS, INC., INTERSTATE  
HIGHWAY CONSTRUCTION, INC., and  
D.P. SAWYER, INC.,**

**Defendants.**

**ORDER**

**8:17CV27**

**JUAN PAUBLO VELEZ, MARTINIANA  
VELEZ, and PAOLA VELEZ,**

**Plaintiffs,**

**vs.**

**BOHREN LOGISTICS, INC., TONY  
WEEKLYJR., INTERSTATE HIGHWAY  
CONSTRUCTION, INC., and D.P.  
SAWYER INC.,**

**8:17CV175**

**Defendants.**

This matter is before the Court on Defendant D.P. Sawyer's Motion<sup>1</sup> to Reinstate Motion for Summary Judgment, Daubert Motions, Motion to Strike, and Motion to Bifurcate, ECF No. 263.<sup>2</sup> D.P. Sawyer represents that mediation efforts were

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<sup>1</sup> D.P. Sawyer's Motion was filed and appears on the record as a "Notice." Plaintiffs' request to reinstate its motions was also filed as a notice. ECF No. 261. Future requests for Court action should be filed as "Motions."

<sup>2</sup> ECF Filing Number references are to Case No. 8:17cv27.

unsuccessful and seeks to reinstate the motions that had been pending when the Notice of Mediation, ECF No. 259, was filed.

Also pending before the Magistrate Judge is Plaintiffs' Motion for Sanctions against Defendant Interstate Highway Construction, Inc. (IHC), ECF No. 256. Plaintiffs' Motion includes requests that Plaintiffs be permitted to supplement the summary judgment record with evidence that IHC allegedly failed to produce. Because D.P. Sawyer was IHC's subcontractor, the supplemental evidence may affect Plaintiffs' resistance to several of D.P. Sawyer's Motions. Accordingly, in the interest of judicial economy, the Court will not reinstate the Motions until the Magistrate Judge rules on Plaintiffs' Motion for Sanctions. After the Magistrate Judge rules on the Motion for Sanctions, Defendants may move to reinstate or refile their motions, consistent with the Magistrate Judge's ruling.

IT IS ORDERED:

1. Defendant D.P. Sawyer's Motion to Reinstate Motion for Summary Judgment, Daubert Motions, Motion to Strike, and Motion to Bifurcate, ECF No. 263, is denied without prejudice to reassertion; and
2. Within 14 days of the Magistrate Judge's order on Plaintiffs' Motion for Sanctions, ECF No. 256, Defendants may file a motion to reinstate or refile their motions.

Dated this 10th day of April 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge